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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,192	07/28/2000	AIMAL SIRAJ		7023

7590 04/06/2004

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EXAMINER

KNAPP, JUSTIN R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,192

Applicant(s)

SIRAJ, AIMAL

Examiner

Justin Knapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner Notes

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Request for Reconsideration as received 01/05/04.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Kato, et al (herein referred to as Kato), USPN 5,832,215.

4. Referring to claim 1, Applicant's admitted prior art teaches a control device (fig 9, element 102), one or more communication terminals (fig 9, elements 104, 105, 106), and a communication device (fig 9, element 101) which connects the control device with the one or more communication terminals, and has one or more communication protocol modules (fig 10, elements 107a-d) for controlling communications of the one or more communication terminals based on control information (fig 10, elements RR0-5) from the control device, characterized in that the communication device includes:

a memory which temporarily stores the control information sent from the control device (see Fig 10, element 102a);

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a control information acquisition mean which acquires the control information stored in the memory (there must be a means for the protocol engine (fig 10, element 107) to acquire information from the memory (element 102a);

and that the one or more communication protocol modules implement processing of the control information if a corresponding one or more detection means detect that the control information is meant to be processed by an own communication protocol module (see Specification, pages 1-5, fig 9 and 10).

Applicant's admitted prior art does not explicitly teach a control information acquisition means which sequentially acquires the control information temporarily stored in the memory and broadcast it to the one or more communication protocol modules nor does it teach one or more detection means each being provided in correspondence with each of the one or more communication protocol modules at a front stage on an input side of each of the communication protocol modules, for detecting whether the control information broadcasted by the control information acquisition means needs to be processed by each of the one or more communication modules. However, the system of Kato teaches one of numerous processors has a transmission buffer for temporarily storing data to be transferred to other processors, and for sequentially transmitting all data to the common bus by a broadcasting method; each of the other processor has a reception buffer for temporarily storing data to be received, and a reception control means for selecting data to be received from all data on the common bus in accordance with a predetermined reception count (see column 2, lines 32-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the broadcasting method, a common bus, and the reception control unit (a detection means) taught by Kato within

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the system taught by Applicant's admitted prior art. By doing so, control information from a memory would be temporarily stored in a sequential manner and then broadcasted to the various communication protocol modules. Multiple reception control unit would act as a detection means for each module to determine whether the individual modules should process the information that is broadcasted on a common bus. One would have been motivated to do this because using the broadcasting method with multiple reception control units taught by Kato would replace the original fixed registers taught by applicant's admitted prior art thus saving time, preventing the need to make register modifications, and improving the efficiency of the system.

5. Referring to claims 2 and 8, Kato teaches the control acquisition means and the one or more detection means corresponding to the one or more communication protocol modules are connected through a bus (see column 2, lines 40-45).

6. Referring to claim 3, the broadcasting method taught by Kato would allow each of the one more communication protocol modules taught by Applicant's admitted art to process all categories of control information.

7. Referring to claims 4, 9, and 10, Applicant's admitted prior art in view of Kato teaches the memory has a control space for temporarily storing control information from the control device to the one or more protocol modules and a status space for temporarily storing status information from the one or more protocol modules to the control device, and that:

the control device writes the control information into the control space of the memory and reads the status information from the status space of the memory. (see fig 6 and 7, column 7, lines 39-end and column 8, lines 1-10).

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Allowable Subject Matter

8. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

9. Applicant's arguments filed 01/05/04 have been fully considered but they are not persuasive.

10. In the remarks, on page 3-5, Applicant argues in essence that:

"The Examiner has basically utilized hindsight in analyzing Applicant's disclosed and claimed invention, found the patent to Kato and thereafter concluded that by following Applicant's teaching and utilizing the patent to Kato, the resulting communication system may achieve "saving time, preventing the need to make register modification, and improving the efficiency of the system."

and

"The Examiner has basically proceeded in the same manner as did the Examiner in the Ex Parte Granneman decision by recognizing that Applicant's admitted prior art includes multiple communication devices and the disadvantages thereof recognized only by Applicant, yet fails to find in the prior art any suggestion of the desirable modification."

These arguments have not been found to be persuasive. The Examiner explained the Applicant's admitted prior art in combination with the teachings of Kato read on the claimed limitations and included proper motivation for combining the two references. The artisan is presumed to know something about the art apart from what references literally disclose. Note In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). It is also well settled that obviousness may be concluded from common knowledge and common sense of the artisan without a specific hint or suggestion. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). In this case, the Examiner used common sense as one of ordinary skill in the art to realize that utilizing the

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teachings of Kato would be advantageous within the Applicant's admitted prior art and included motivations, "saving time, preventing the need to make register modification, and improving the efficiency of the system, for making the combination even though the motivation was not literally disclosed in the references.

11. In the remarks on page 5, Applicant argues in essence that:

1) "Just as importantly, the system disclosed in the Kato patent is actually not even operative in conjunction with the present invention because it utilizes double buffers, namely, a transmission buffer for temporarily storing data to be transferred from one processor to other processors and for sequentially transmitting all data to a common bus with each of the other processors having a reception buffer for temporarily storing data which is received..."

and continues through

2) "In Kato's communication system the buffers are uni-directional, i.e., data which is to be transferred is pre-stored in the transmission buffers, whereas in accordance with Applicant's invention a bi-directional memory buffer is used to both send control information and also receive status information which, obviously, is more flexible and efficient than the pure transmission buffer of the Kato communication systems".

In response to Applicant's argument 1), Applicant admits Kato teaches a reception buffer for temporarily storing data which is received. This reads on the claimed "memory which temporarily stores the control information sent from the control device." The fact that Kato also teaches a transmission buffer for temporarily storing data to be transferred has no relevance to the claim.

In response to applicant's argument 2) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a bi-directional buffer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Furthermore, Applicant's comments are not persuasive as it is axiomatic that one cannot show nonobviousness by attacking the references individually when the rejection is based on a combination of references. In re Young, 403 F.2d 754, 159 USPQ 725 (CCPA 1968), and In re Keller, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981). Thus the applicant's arguments do not even address the grounds of rejection, 37 CFR 1.111(b).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 2, 2004



Justin Knapp
Examiner
Art Unit 2182

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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